

REMARKS

Applicant thanks the Examiner for withdrawing the rejection of claims 11 and 12 under 35 U.S.C. §101.

Status of the Application

Claims 1-4, 6-20, 22-27 and 29-32 are all the claims pending in the application. By this amendment, Applicants are amending claims 1, 2, 11, 12, 17, 18 and 29-32.

Claim Objection

The Examiner argues that claims 11 and 12 are written in improper Markush format. Applicant hereby amends claims 11 and 12 in order to correct the deficiency.

§102(a) Rejection

Claims 1-4, 6, 11-20 and 22 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Ueda (U.S. 5,973,680).

Claims 1 and 17, as amended, recite, in part, “the partial information of the delivery information ... is renewed, based on records of past utilization of the partial information.” The Examiner argues that Ueda teaches that partial information of the delivery information is renewed. However, Applicant submits that Ueda fails to teach that the renewal of the delivery information is based on records of past utilization of the partial information. Ueda simply teaches that partial information is downloaded based on user requests, and that further motion picture codes are reproduced for viewing when selected by a user, it does not teach that the partial information is renewed based on the *past* utilization of the user, it only focuses on the present utilization of the user. Therefore, claims 1 and 17 as amended are patentable over the applied art.

Claims 2 and 18, as amended, recite, in part, “at least a portion of the plurality of partial information is stored in the means for storing without a user request prior to use of the information delivery system by a user.” The Examiner argues that Ueda also teaches that a portion of the plurality of partial information is stored in the means for storing prior to use of the information delivery system by a user. However, Applicant submits that Ueda fails to teach that the partial information is stored *without a user request*. As noted above, Ueda teaches that the partial information is stored based on user requests. Thus, Ueda cannot disclose that partial information is stored *without a user request*. Therefore, claims 2 and 18 are patentable over the applied art.

Claims 3-4, 6, 11-16, 19-20 and 22 are patentable at least by virtue of their dependency from claims 1, 2, 17 and 18, respectively.

§103 Rejections

A. *Claims 7-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ueda in view of Barton. (6,233,369).*

Claims 7-10 are dependent from amended claims 1 and 2, respectively. Because Ueda fails to disclose all of the aspects of amended claims 1 and 2, and because Barton fails to cure the defects noted in Ueda with respect to amended claims 1 and 2, claims 7-10 are patentable at least by virtue of their respective dependencies.

B. *Claims 23-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ueda in view of Swix. (6,609,253).*

Claims 23-27 are dependent from amended claims 1 and 2. Because Ueda fails to disclose all of the aspects of amended claims 1 and 2, and because Swix fails to cure the defects

noted in Ueda with respect to amended claims 1 and 2, claims 23-27 are patentable at least by virtue of their respective dependencies.

Claims 29-32, as amended, each recite, in part, “wherein timing of the accounting of the cost information is chosen from timing: ... ” The Examiner argues that Swix teaches the above listed aspect of the claims, and in combination with the teachings of Ueda, renders the claims unpatentable. Applicant respectfully disagrees. Neither Ueda nor Swix teaches the specific timings to track cost information. The cited portions of Swix merely teaches different methods for tracking the timing information of a requested program. While Swix discloses that each program is purchased in general terms, it fails to disclose the specific timing of the accounting of the cost information as recited in each of the claims 29-32. Therefore, claims 29-32 are patentable over the applied art.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment under 37 C.F.R. 1.114
U.S. Application No. 09/918,509

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

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